

REMARKS

In the specification, paragraph [0028] has been amended to include the reference character 53 for the proportional control valve that regulates the amount of hydraulic fluid provided to hydraulic motors 54 and 56. Furthermore, as now clearly stated in the next to the last sentence of paragraph [0028], the rate of speed at which each auger is rotated, as controlled by proportional control valve 53, controls the proportion of material that is driven to one side or the other of the conveyor trough 42.

In amended Fig. 2, a conventional proportional control valve 53 is now illustrated along with lines leading from the valve to the hydraulic motors 54 and 56. This feature was clearly described in the original specification at paragraph [0028], and therefore does not constitute the addition of new matter.

Claims 1-20 remain in this application.

The drawings have again been objected to for not showing "second speed different than said first speed" and the "proportional control valve." The attached revised sheet of drawings with revised Fig. 2 now illustrates a proportional control valve by the box labeled with reference character 53 and lines leading to the hydraulic motors 54 and 56. As explained in the specification at paragraph [0028], the rate of speed at which each auger is rotated, as controlled by proportional control valve 53, controls the proportion of material that is driven to one side or the other of the conveyor trough 42. Accordingly, Applicant respectfully submits that to the extent it is possible to illustrate the features referred to by the Examiner, such features are illustrated in the revised Fig. 2. Therefore, Applicant submits that the claimed feature of moving material at a first speed and a second speed

different than the first speed is illustrated to the extent possible by the schematic representation of a proportional control valve 53 that regulates the amount of hydraulic fluid provided to the hydraulic motors 54 and 56. Applicant also submits that while 37 C.F.R. §1.83(a) does not provide a "need for understanding" conditional requirement, 35 U.S.C. §113 does provide that "the applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." Furthermore, 37 C.F.R. §1.83(a) also states that "conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box)." Accordingly, Applicant respectfully submits that the revised Fig. 2 now provides all of the illustration that is necessary to comply with the requirements of 35 U.S.C. §113 and 37 C.F.R. §1.83. Withdrawal of the objection to the drawings is therefore respectfully requested.

Claims 1-3, 11 and 20 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 3,780,955 (Palmer). The Office Action appears to rely upon hydraulic motor 86 for allegedly providing a mechanism that is capable of driving a conveying mechanism in a first direction to convey material to one side of the truck, and in a second direction to convey material to the opposite side of the truck.

Independent claim 1 is directed to a material spreader mounted on a truck, wherein the material spreader comprises a trough mounted laterally on the truck, and at least two conveying mechanisms mounted within the trough, each of said conveying mechanisms being independently driven to rotate in a desired direction and at a desired speed. Each of

the at least two conveying mechanisms is adapted to be driven in a first direction to convey material to one side of the truck, and in a second direction to convey material to the opposite side of the truck. As one example of this novel combination of features, the embodiment shown in Fig. 2 includes augers 44 and 46 that both extend from one side of the truck to the other side of the truck, and are both capable of and adapted to convey material to one or the other or both of the spinners 82 and 84.

In contrast to the Applicant's invention, *Palmer* only discloses a pair of conveyor belts wherein each of the conveyor belts projects transversely in opposite directions from the vehicle. Each of the spreader belts 34, in spreader unit 36 or 36A of *Palmer* is only capable of distributing material to one side of the truck. As clearly shown in Figs. 1 and 2 of *Palmer*, material streams from the vehicle trough 29 are discharged into the chute assembly 39 of the distributing unit 32 for separate channeling to corresponding ones of the spreader belt 34. The chute assembly 39 is located at the center of the truck, with one spreader unit 36 extending to one side of the truck, and a separate spreader unit 36A extending to the opposite side of the truck. Accordingly, even if a hydraulic motor 86 were capable of being reversed, as suggested in the Office Action, such a reversal in the direction of rotation of the hydraulic motor 86 would simply result in material on a spreader belt 34 being moved back to the center of the truck at the chute assembly 39. Reversal of rotation of the hydraulic motor 86 in *Palmer* would not convey material to the opposite side of the truck from which the spreader belt 34 is intended to distribute material. Accordingly, *Palmer* does not disclose at least two conveying mechanisms wherein each of the conveying mechanisms is capable of being driven in a first direction to convey material

to one side of the truck, and in a second, opposite direction to convey material to the opposite side of the truck.

Independent claim 11 is directed to a method of distributing material from a truck mounted material storage container, wherein the truck includes a longitudinal conveyor for moving the material to a laterally mounted trough having at least two lateral conveyors. The method comprises moving material from said material storage container along said longitudinal conveyor into said trough, and independently controlling the rate of movement of said at least two lateral conveyors to distribute the material to opposite sides of said trough in a desired ratio. Each of said at least two lateral conveyors is adapted to be driven in a first direction to convey material to one side of the truck and in a second direction to convey material to the opposite side of the truck.

As discussed above with regard to claim 1, *Palmer* only discloses a pair of conveyor belts wherein each of the conveyor belts projects transversely in opposite directions from the vehicle. Each of the spreader belts 34, in spreader unit 36 or 36A of *Palmer* is only capable of distributing material to one side of the truck. Even if the hydraulic motor 86 driving one of the spreader belts 34 were reversed in its direction of rotation, such a hypothetical operation of the hydraulic motor 86 in *Palmer* would not result in material on the spreader belt 34 being distributed to the opposite side of the truck. Instead, material would simply be returned to the center of the truck at the location of the supply chute 39. Accordingly, *Palmer* does not disclose at least two conveying mechanisms wherein each of the conveying mechanisms can be driven in a first direction to

convey material to one side of the truck, and in a second, opposite direction to convey material to the opposite side of the truck.

Claim 20 is directed to a device for distributing material from a truck-mounted material storage container. The device comprises means for moving material from said material storage container in a longitudinal direction relative to said material storage container, means for moving a first portion of said material in a first lateral direction relative to said material storage container and depositing said first portion of said material on a first distributing means, and means for moving a second portion of said material in a second lateral direction different from said first lateral direction relative to said material storage container and depositing said second portion of said material on a second distributing means. Said means for moving a first portion of said material in a first lateral direction is also adapted to move said first portion of said material in said second lateral direction, and said means for moving a second portion of said material in a second lateral direction is also adapted to move said second portion of said material in said first lateral direction.

As discussed above with regard to claims 1 and 11, *Palmer* does not disclose at least two means for moving material wherein each of said means is capable of depositing said material onto distributing means at opposite sides of the truck. Even if it were possible to modify *Palmer* as suggested in the Office Action such that the hydraulic motor 86 were driven in a reverse direction, this would only result in material being conveyed by the spreader belt 34 back to the center of the truck at chute assembly 39. Such a modification of *Palmer* would not result in means for moving a first portion of the material

in a first lateral direction relative to the material storage container and depositing the first portion of the material on a first distributing means, and means for moving a second portion of the material in a second lateral direction different from the first lateral direction relative to the material storage container and depositing the second portion of material on a second distributing means, wherein said means for moving a first portion of said material in a first lateral direction is also adapted to move said first portion of said material in said second lateral direction.

For at least the above reasons, Applicant respectfully submits that independent claims 1, 11 and 20 are neither anticipated nor rendered obvious by *Palmer*. Withdrawal of the rejection under 35 U.S.C. §102(d) is therefore respectfully requested.

Claim 4 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Palmer*. Applicant respectfully submits that claim 4 is patentable for at least the same reasons as discussed above with regard to independent claim 1, from which claim 4 depends.

Claims 5-9, 12-14 and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Palmer* in view of U.S. Patent No. 3,559,893 (*Gruben*). *Gruben* is primarily relied upon for a disclosure of the use of augers as means for moving material. *Gruben* does not overcome the deficiencies noted above with regard to *Palmer* since neither *Gruben* nor *Palmer* teach or suggest a material spreader having at least two conveying mechanisms, each of said conveying mechanisms being independently driven to rotate in a desired direction and at a desired speed, and each of said conveying mechanisms being adapted to be driven in a first direction to convey material to one side of the truck,

second direction to convey material to the opposite side of the truck. Accordingly, Applicant respectfully submits that all claims are patentable over *Gruben* and *Palmer*, whether they are considered alone or in combination. Withdrawal of all rejections under 35 U.S.C. §103(a) is therefore respectfully requested.

In view of the allowability of independent claims 1, 11 and 20, for the reasons discussed above, Applicant requests consideration and allowance of non-elected claims 15, 16, 18 and 19 since the non-elected claims include all of the features of allowable generic claims 1 or 11.

Prompt issuance of a Notice of Allowance is earnestly solicited. In the event any questions arise regarding this communication or the application in general, please contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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